

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4179 OF 2007

Mr.Amitkumar Virendra Prasad .. Petitioner

Vs.

The State of Maharashtra & Ors. .. Respondents

Mr.Ashok Yadav for the petitioner

Mr.P.M.Patil, A.G.P. for respondent nos.1, 2 and 4

CORAM : J.N.PATEL &
A.A.SAYED, JJ.

DATED : 12TH JUNE, 2007

P.C.:

1. Heard.

2. Rule. Rule made returnable forthwith. Ld.
A.G.P. waives service for respondent nos.1, 2 and
4.

3. In our view, it is not necessary for the
decision of this petition to hear respondent no. 3
as the petition can be disposed of on the basis of
the view taken by this court in case of similarly
placed student in the case of Mr.Nitin Udayraj
Yadav vs. State of Maharashtra & Ors. in Writ
Petition No.3174 of 2005 disposed of by this court

on 6.5.05 which petition was taken up by the bench on mere mentioning and disposed of.

4. The facts in the present case are almost identical. It is the case of the petitioner that he was granted admission in respondent no.3 Institution in a seat reserved for candidates belonging to 'OBC' as the petitioner claims that he belongs to caste 'Kumbhar' which is recognised as 'Other Backward Class' under Government Resolution No.CBC/1467/M dt.13.10.1967.

5. The petitioner did not get his caste certificate duly validated by the concerned committee and was admitted in the institution on the condition that he will obtain a validity certificate in respect of his caste claim. It is the case of the petitioner that now he is required to appear for the examination and that he has applied to the Caste Scrutiny Committee. The Caste Scrutiny Committee is yet to take a decision in the matter. It is therefore, submitted that this court may direct the Caste Scrutiny Committee to take a decision in the matter of validity of caste claim

of the petitioner and in the meantime, allow him to appear for the examination.

6. We therefore, dispose of this petition with a direction to the Caste Scrutiny Committee that it is for respondent no.2 to decide the caste claim of the petitioner as expeditiously as possible and in any event within 4 months from today. The petitioner is directed to appear before the Committee on 2.7.07 at 11 a.m. In the meanwhile, the petitioner is permitted to appear for the examination which is already being held and the petitioner has appeared for almost more than half of the papers in the examination. We make it clear that the University would not declare the result of the petitioner till the Scrutiny Committee grants validity certificate in respect of his caste claim. In case the Scrutiny Committee is of the view that the petitioner's caste claim is invalid, the petitioner would not be able to claim any equity and his admission would stand cancelled. Writ Petition stands disposed of accordingly with no order as to costs.

(SHRI J.N. PATEL, J)

(SHRI A.A. SAYED, J)